

# Medical Fee Disputes

**A dispute that involves payment for health care deemed medically necessary and appropriate for the treatment of the employee's compensable injury. (Rule 133.305(a)(4).) Dispute resolution requests filed prior to June 1, 2012 shall be resolved in accordance with the statutes and rules in effect at the time the request was filed.**

Requestor initiates medical dispute by filing the form DWC060 with the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) Medical Fee Dispute Resolution (MFDR) Section no later than **one year** from date of service in dispute. (Rule 133.307(c)(1)(A).) Requests may be filed later than one year after date of service if:

1. A related compensability, extent of injury, medical necessity, or liability dispute has been filed (the fee dispute shall be filed not later than 60 days after the date requestor received final decision, inclusive of all appeals, on those issues); or
2. A dispute relates to a refund notice pursuant to TDI-DWC audit or review (fee dispute filed not later than 60 days after receipt of refund notice).

Injured employees shall send their dispute request to MFDR Section at TDI-DWC by mail service, personal delivery, or facsimile and shall include:

1. Form DWC060 listing disputed health care;
2. Explanation of the disputed amount that includes a description of health care, why disputed amount should be refunded or reimbursed, and how submitted documentation supports the explanation for each disputed amount;
3. Proof of employee payment (copies of receipts, provider billing statements, or similar documents);
4. Copy of denial, or if no denial was received, convincing evidence of attempt to obtain reimbursement or refund. (Rule 133.307(c)(3).)

Health care providers have different requirements as referenced in Rule 133.307(c)(2).

TDI-DWC forwards request to respondent. Responses due 14 days after request is received. (Rule 133.307(d).)

Does TDI-DWC need further information?

YES

NO

TDI-DWC sends requests for further information and applicable party has 14 days to respond. (Rule 133.307(f).)

TDI-DWC shall send a decision to the disputing parties and post the decision on the TDI-DWC website. (Rule 133.307(f)(4).)

Is either party dissatisfied with the TDI-DWC decision?\* (§ 413.0312.)

NO

Decision final

YES

Party must request a Benefit Review Conference with TDI-DWC no later than 20 days from the date the decision is received. (Rule 133.307(g)(1).)

Do parties elect to engage in binding arbitration? (§ 413.0312(d), Chapter 410, Subchapter C.)

YES

The arbitrator's award is **final and binding** upon the parties. It is a final order of TDI-DWC.

NO

Party may request a hearing with the State Office of Administrative Hearings (SOAH) no later than 20 days after conclusion of the Benefit Review Conference. (§ 413.0312(e), Rule 133.307(g)(2)(A).)

Party may appeal decision in Travis County District Court.

Petition must be filed within 45 days after the date on which SOAH mailed the party the notification of the decision. (§ 413.031(K-2).)

*\*Proceed to next dispute level only if parties disagree with the outcome of each proceeding.*



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